

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 4, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley and Councilmembers Caletka, Paul and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that Marine Private First Class Christopher Rivieri of Cooper City, former Davie Explorer, had been killed in Iraq. He noted that all were indebted to all of our service men and women, and asked that Private Rivieri's family be kept in everyone's prayers.

3. OPEN PUBLIC MEETING

Vincent Mueller, secretary for the Davie Professional Firefighters Union, announced that the union body had issues with how the department was being administered and how they were being treated. He indicated that the union had held a vote of confidence on Deputy Fire Chief Steve Eggnatz and the vote was a unanimous 90 - 1 that they did not have confidence in the Deputy Chief Eggnatz. Mr. Mueller advised that the union membership was disappointed that Fire Chief Don DiPetrillo had said he took full responsibility, but would not discuss the matter further. He asked Council to help resolve this problem.

Todd Katz said that the Fire Department had been working for a year without a contract and questioned why meetings with Council to discuss this had been cancelled. He stated that their yearly pay increase had not been paid and felt the health insurance costs were excessive. Mayor Truex stated that Council had met in an executive session to discuss this earlier and he assured Mr. Katz that Council took this matter seriously.

Casey Lee, 12626 SW 9 Place, asked the voters of West Davie to re-elect her to the Central Broward Water Control District Zone 1.

Tom Green, 1800 SW 116 Avenue, announced he was running to retain his seat on the Central Broward Water Control District Zone 2.

Diane Cummings thanked Council for helping her to obtain a building permit for her mobile home in Sterling Mobile Home Park. She described losses she suffered at her property by a landscape company working for the Seminole tribe and asked for Council's help. Councilmember Paul referred to an email from Housing and Community Development Director Shirley Taylor-Prakelt regarding the lack of response from the Seminole tribe on this matter. She said that Council would discuss this later.

Lloyd Phillips, 14220 SW 29 Court, described the "illegal" sale of some property next door to his that had been a nuisance for many years, and presented two exhibit items. Mr. Cohen said he had already contacted Code Compliance and would report to Council.

Steve Felden stated that he was present to make a pledge to the Police Athletic League for \$5,000. Donna Evans, representing the League, described the uses to which the donation would be put.

Vice-Mayor Crowley announced that along with Central Broward Water Control District Commissioners Lee and Green, the Chair of the Central Broward Water Control District, Dave Donzella, was present.

Chief DiPetrillo felt the Fire Department was headed in the right direction and that he and his staff had worked hard to improve the Department's professionalism and standards.

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Mayor Truex announced that staff was withdrawing items 4.5, 4.9 and 4.10. Staff was also requesting that items 4.7 and 4.8 be tabled to October 18, 2006.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that the petitioner had withdrawn items 6.1 and 6.2.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. August 11, 2006 - Emergency Meeting (tabled from September 20, 2006)
- 4.2. August 16, 2006 - Regular Meeting
- 4.3. August 21, 2006 - Workshop Meeting

Resolutions

- R-2006-267 4.4. **ROAD IMPROVEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR THE HIATUS ROAD AT ORANGE DRIVE INTERSECTION IMPROVEMENTS (Willams Paving Company - \$909,898)
- 4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.
- R-2006-268 4.6. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LIMOUSINES OF SOUTH FLORIDA FOR THE OPERATION AND MAINTENANCE OF THE BLUE ROUTE; PROVIDING FOR AN EFFECTIVE DATE.
- 4.7. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 4.8. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AMENDMENT AND EXTENSION OF THE EXISTING CONTRACT WITH SALTZ MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 4.9. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND PACESETTER PERSONNEL SERVICE, A-1-A EMPLOYMENT OF MIAMI, AND TEMPORARY PERSONNEL CONSULTANTS, INC. FOR TEMPORARY FIELD PERSONNEL.

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- 4.10. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND ATRIUM PERSONNEL, INC. D/B/A TRANSHIRE AND A-1-A EMPLOYMENT OF MIAMI FOR TEMPORARY OFFICE PERSONNEL.
- R-2006-269 4.11. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 WITH WIDELL, INC. FOR "EXPEDITING THE FILTER SYSTEM UPGRADE AT THE PINE ISLAND AQUATIC CENTER." (\$6,487.33)
- R-2006-270 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AWARD OF THE BID FOR LOCATING AND MARKING UNDERGROUND FACILITIES TO CRAIG A. SMITH & ASSOCIATES, INC. (\$80,000/year)
- R-2006-271 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE STATE OF FLORIDA AND THE FLORIDA SHERIFF'S ASSOCIATION FOR AUTOMOBILES, TRUCKS AND HEAVY EQUIPMENT. (\$1,368,000)
- R-2006-272 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AN ASSIGNMENT AGREEMENT TO TRANSFER CONTROL OF COMCAST OF FLORIDA, f/k/a COMMUNITY CABLE TELEVISION, FROM THE CURRENT FRANCHISOR, BROWARD COUNTY, TO THE TOWN OF DAVIE; RELATING TO THE FRANCHISE AGREEMENT FOR THOSE AREAS OF BROWARD COUNTY KNOWN AS PINE ISLAND RIDGE AND UNITED RANCHES WHICH HAVE BEEN ANNEXED INTO THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

Temporary Use Permits

4.15. TU 8-1-06, St. Bonaventure Church, 1301 SW 136 Avenue (festival)

4.16. TU 8-2-06, Davie United Methodist Church, 6500 SW 47 Street (pumpkin sales)

Councilmember Paul pulled 4.3, 4.4, and 4.15 from the Consent Agenda. Councilmember Starkey pulled item 4.1. Mayor Truex pulled item 4.2. Mr. Kiar pulled item 4.6.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda less items 4.1, 4.2, 4.3, 4.4, 4.6 and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Starkey made a motion, seconded by Mayor Truex, to table this item. In a voice vote, all voted in favor. (Motion carried 5-0)

4.2 Mayor Truex made a motion seconded by Councilmember Starkey, to table this item to their next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Councilmember Paul made a motion, seconded by Mayor Truex, to table this item to their next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.4 Councilmember Paul wanted to be sure the turtles and other wildlife were protected during the project. Councilmember Starkey said residents were concerned about delays regarding the companion project in this area. Mr. Cohen explained that the projects could not be done concurrently and added that the other project should be brought forward within the next 60 days.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Mr. Kiar explained that there was a typographical error in the indemnification clause in Section 12.1 "...to the extent considered necessary by the Town..." should read, "...to the extent considered necessary by the *contractor*..."

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve with Mr. Kiar's correction. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Councilmember Paul said that a number of residents were concerned about the traffic and parking problems caused by this festival. She wanted to be sure the high school parking lot was used and parking would not be allowed between the church's driveways.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

6.1. WITHDRAWN BY PETITIONER

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM PRD 6.3 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO R-5, LOW-MEDIUM DENSITY DWELLING DISTRICT AND RM-12, MEDIUM-HIGH DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle) (tabled from June 21, 2006) *Planning and Zoning Board recommended denial*

This item was withdrawn earlier in the meeting.

6.2. WITHDRAWN BY PETITIONER

VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 8-1-05, THE COURTYARDS AT ROLLING HILLS, VACATING "ROAD PARCEL" RIGHTS-OF-WAYS AS SHOWN ON THE PLAT OF "ROLLING HILLS GOLF AND TENNIS CLUB", AS RECORDED IN PLAT BOOK 81, PAGES 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-1-05, RHG/TKO II Joint Venture LLOP/Rolling Hills Hotel Ltd., 3501 West Rolling Hills Circle) (tabled from June 21, 2006) *Planning and Zoning Board recommended denial*

This item was withdrawn earlier in the meeting.

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7. APPOINTMENTS

7.1. Mayor Truex

- 7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

Mayor Truex appointed Ellis Traub.

- 7.1.2. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.1.3. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.4. Water and Environmental Advisory Board (one exclusive appointment; term expire April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.2. Councilmember Caletka

- 7.2.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.3. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1. Town Administrator (short list)

Later in the meeting, Robert Slavin, the Town's consultant, joined the meeting by phone and reported that one candidate was no longer available. He advised that he had contacted Roger Desjarlais, who indicated that he was happy with his present position and had not submitted a resume. Mr. Slavin recommended that interviews be held on the October 14th.

Council discussed whether Mr. Desjarlais should be added to the list of candidates even though he had not supplied a resume.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to add Mr. Desjarlais. In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

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Councilmember Starkey made a motion, seconded by Councilmember Paul, to rank a total of five. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - no Councilmember Paul - yes; Councilmember Starkey - yes. (Motion denied 3-2)

Councilmember Caletka made a motion, seconded by Mayor Truex, to rank all 12 candidates. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to create a short list of six candidates. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Town Clerk Muniz compiled the results of Council's rankings: 1) Gary Shimun (17), 2) Dennis Kelly (21), 3/4) Horace McHugh and Roger Desjarlais (28), and 5/6) Michael Stampler and Mark Kutney (30).

Councilmember Paul made a motion, seconded by Mayor Truex, to approve their short list. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Cohen advised that Public Information Officer Braulio Rosa would be the staff person working with Mr. Slavin.

8.2. Metropolitan Planning Organization New Position - Councilmember Judy Paul

Councilmember Paul felt Council must determine the Town's position and send a resolution to the Turnpike Enterprise, Metropolitan Planning Organization and County Commission. There was confusion regarding where a sound wall would be erected and Councilmember Caletka explained that the wall would not be erected south of the McCall's property. Mayor Truex wanted to ask a representative from the Turnpike Authority to address Council on this issue. Councilmember Caletka thought Council should not support the creation of an exit at Stirling Road, with or without a wall, because residents opposed it.

Vice-Mayor Crowley wanted to create a resolution to request that a wall be erected. Councilmember Paul felt that two resolutions could be created, one to address the wall and another to address the Sterling Road exit. Councilmember Starkey remembered that approval of improvements at I-595 and the Turnpike were contingent upon there being a wall to the south and that Council had already said it would not support a request for the Stirling Road exit unless there was a wall. Councilmember Paul felt they still needed specific resolutions to address these issues. Town Clerk Muniz agreed to determine how specific Council's previous resolutions had been.

Mayor Truex agreed that a resolution should be created regarding the wall, but wanted the Turnpike Authority to give their presentation on the Stirling Road exit prior to any resolution regarding that issue.

Councilmember Paul suggested that Councilmember Caletka replace her on the Metropolitan Planning Organization. Councilmember Caletka said he would speak to his supervisor regarding this appointment.

Mr. Cohen clarified that Council wished one resolution opposing the Stirling Road exit and another to require sound walls on the entire Turnpike corridor.

9. NEW BUSINESS

No new business was discussed.

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10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

POLICE PRESENCE. Councilmember Caletka thanked Chief George for keeping the additional officers in his district.

CIVILIAN POLICE ACADEMY. Councilmember Caletka announced that he would begin Civilian Police Academy soon.

VICE-MAYOR CROWLEY

SPEEDING. Vice-Mayor Crowley said that he had received complaints about speeding in Park City East off Pine Island Road. Police Chief John George advised that he had dispatched motorcycle patrols to address the speeding and cut-through issues in Park City East.

COUNCILMEMBER PAUL

STIRLING MOBILE HOME PARK. Councilmember Paul referred to the e-mail from Ms. Taylor-Prakelt regarding the problems the mobile home park was experiencing with the Seminole Tribe. Councilmember Paul asked if the Town could invoke an injunction to get the Tribe to do something about helping these residents. Mayor Truex said Code Compliance had jurisdiction over the septic issue. Mr. Cohen agreed to provide an update to Council on this issue

To address the problems of the displaced residents whose land was being taken by the Tribe, Councilmember Caletka suggested that Council create a special, very high tax rate for one special zone on the east side, and use those funds for the displaced residents. Vice-Mayor Crowley thought this would require a bill in the State legislature. Mayor Truex asked Mr. Kiar to look into this matter

GOVERNMENT DAYS. Councilmember Paul announced that Government Days would be held October 15 - 21, 2006 and the Town's schools would participate.

TAKE-HOME CARS. Mr. Cohen agreed to provide Council with a status report regarding the W-2 form change for employees with take-home cars.

TUITION REIMBURSEMENT. Councilmember Paul requested information on the law regarding an employee's tax liability for tuition reimbursement and any W-2 changes this might necessitate.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSIONS. Mr. Kiar requested two executive sessions prior to the October 18th regular meeting. He advised that a 15-minute meeting was needed to discuss the court-ordered remediation regarding the LaMar Electronics property. Mr. Kiar indicated that Mr. Burke had requested an hour meeting to discuss Mr. DePaola's action against the Town.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:03 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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